

Tentative Rulings

December 18, 2017

Department 11

NOTICE TO ALL GUARDIANS AND PETITIONERS: The Family Law Facilitator offers assistance on Guardianship matters by appointment. **PLEASE NOTE:** Guardianship workshops are no longer being held. The Court recommends that all Guardians and Petitioners, especially self-represented litigants (individuals without an attorney) contact and make an appointment for assistance on their Guardianships to ensure that Guardians are aware of their ongoing obligations/responsibilities to the Ward and to the Court.

1:30 p.m.

GDN OF EMILIA AZPEITIA

CASE NUMBER: 29373

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. The Court has now reviewed the Court Investigator's report, filed December 14, 2017, which recommends granting the Petition. The matter was continued to today's date to permit for proper proof of service of the Petition and Notice of Hearing on the minor's maternal grandmother. No new documents have been filed with the Court since the previous hearing date.

This matter is continued to **Monday, January 22, 2018, at 1:30 p.m. in Department 11** for further proceedings on the Petition. The Temporary Guardianship is ordered to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the minor's maternal grandmother in compliance with Probate Code § 1511. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF ANNAH CISNEROS

CASE NUMBER: 28029

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report was to have been submitted to the Court in advance of today's hearing. The report has not been submitted. **The Guardians are ORDERED to appear at today's hearing and submit their Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GDN OF MAXIMILLIAN CISNEROS, JR
CASE NUMBER: 25532

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report was to have been submitted to the Court in advance of today's hearing. The report has not been submitted. **The Guardians are ORDERED to appear at today's hearing and submit their Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GDN OF KAITLYN HARRISON AND KARSEN HARRISON
CASE NUMBER: 29395

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minors, Kaitlyn Harrison and Karsen Harrison. The Petition was filed by the minor's maternal grandfather and step grandmother (Barry and Doree Newport). Letters of Temporary Guardianship issued on November 8, 2017. The Temporary Guardianship's powers are set to expire today unless further extended.

There is no proof of service of the Notice of Hearing on file. The Court has reviewed and considered the Court Investigator's report filed December 6, 2017, which recommends granting the Petition.

This matter is continued to **Monday, January 22, 2018, at 1:30 p.m. in Department 11** for further proceedings on the Petition. The Temporary Guardianship is ordered to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the minor's mother, father, paternal grandmother, and maternal grandmother in compliance with Probate Code § 1511. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF JASON HOOVER
CASE NUMBER: 29376

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. Letters of Temporary Guardianship are set to expire today unless further extended. The matter was continued to today's date to confirm counsel for the minor and to potentially set the matter for contested hearing. **An appearance is necessary on today's calendar to confirm counsel for the minor and to discuss setting the matter for contested hearing.**

GDN OF KERIYAN HUNTER

CASE NUMBER: 29306

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. The matter was continued to today's date to permit for proper proof of service of the Petition and Notice of Hearing on the minor's maternal grandmother. No new documents have been filed with the Court since the previous hearing date. Absent an appearance on today's calendar, the Court intends to **DENY** the Petition.

GDN OF JACE JUNKERSFELD

CASE NUMBER: 29301

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. The matter was continued to today's date to permit for proper proof of service of the Petition and Notice of Hearing on the minor's maternal grandparents, and to potentially set a date for contested hearing. A proof of service was filed with the Court on December 4, 2017. However, the proof of service is defective as it fails to provide the actual names of the documents served. This matter is continued to **Monday, January 22, 2018, at 1:30 p.m. in Department 11** for further proceedings on the Petition. The Temporary Guardianship is ordered to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the minor's maternal grandparents in compliance with Probate Code § 1511. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF MARIANN LEON AND MARIA LEON

CASE NUMBER: 29320

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. The matter was continued to today's date to permit for filing of the Court Investigator's report. The Court has now had the opportunity to review the Court Investigator's report, which recommends denying the Petition. Absent an appearance on today's calendar, the Court intends to **DENY** the Petition.

GDN OF DAMIAN LEWIS

CASE NUMBER: 28391

Tentative Ruling on Annual Review; Order to Show Cause re Sanctions; and Order to Show Cause re Transfer of Guardianship to Humboldt County: This matter is on calendar for (1) further proceedings regarding Annual Review; (2) an Order to Show Cause re Monetary Sanctions, for failure to file an Annual Status Report and failure to appear at the November 13, 2017 Annual Review hearings; and (3) an Order to Show Cause re Transfer of these proceedings to Humboldt County after it was revealed that the Guardian and minor now reside in Humboldt County. No new documents have been filed with the Court since the time of the

previous hearing. **As such, sanctions are hereby imposed in the amount of \$250.00 and this matter is ordered transferred to Humboldt County.** The Court sets the date of **Monday, January 22, 2018, at 1:30 p.m. in Department 11** for further proceedings regarding Annual Review and Status of Transfer. The clerk is **directed** to refer this matter to the Department of Children and Family Services (CFS) for help in locating the Guardian and minor. **No appearance is necessary on today's calendar.**

GDN OF BRYSON MATTSON

CASE NUMBER: 29347

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Bryson Mattson. The Petition was filed by the minor's paternal grandmother (Dolores Mattson). Letters of Temporary Guardianship issued on October 17, 2017. The Temporary Guardianship's powers are set to expire today unless further extended.

The matter has been properly noticed, with proof of service on file as to all parties. No objections have been raised. The paperwork otherwise appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed December 6, 2017 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the discretion of the Guardian. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, December 17, 2018, at 1:30 p.m. in Department 11.** **No appearance is necessary on today's calendar.**

GDN OF ZACHARY MCHARGUE

CASE NUMBER: 29377

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. Letters of Temporary Guardianship are set to expire today unless further extended. The matter was continued to today's date to confirm counsel for the minor and to potentially set the matter for contested hearing. **An appearance is necessary on today's calendar to confirm counsel for the minor and to discuss setting the matter for contested hearing.**

GDN OF AVERY NELSON

CASE NUMBER: 29403

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Avery Nelson. The Petition was filed by the minor's maternal grandmother (Angela Brown). Letters of Temporary Guardianship issued on November 14, 2017. The Temporary Guardianship's powers are set to expire today unless further extended.

The matter has been properly noticed, with proof of service on file as to all parties. No objections have been raised. The paperwork otherwise appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed December 6, 2017 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the discretion of the Guardian. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, December 17, 2018, at 1:30 p.m. in Department 11.** **No appearance is necessary on today's calendar.**

GDN OF KENNETH OXFORD AND JUSTIN OXFORD CASE NUMBER: 27985

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Visitation. The matter was continued to today's date to confirm counsel for the minors and to potentially set the matter for contested hearing. **An appearance is necessary on today's calendar to confirm counsel for the minors and to discuss setting the matter for contested hearing.**

GDN OF DOMINIQUE PATIENCE CASE NUMBER: 26735

Tentative Ruling on Status of Visitation: This matter is on calendar for further proceedings regarding Status of Visitation. At the previous hearing on June 19, 2017, the Guardians advised that the visitation schedule was working well. **An appearance is necessary on today's calendar to apprise the Court of the current status of visitation.**

ROSA ZAMORA CASE NUMBER: 26324

Tentative Ruling on Annual Review and Order to Show Cause re Termination of Guardianship: This matter is on calendar for (1) further proceedings regarding Annual Review; and (2) hearing on an Order to Show Cause re Termination of Guardianship. The Order to Show Cause re Termination issued on November 2, 2017, for failure to file an Annual Status Report, failure to appear at the September 18, 2017 and October 30, 2017 Annual Review hearings; and failure to respond to the Court's previous Order to Show Cause re Monetary Sanctions.

No response to the Order to Show Cause has been filed. **As such, the Guardianship is hereby terminated.** The clerk is **directed** to close this file, and to refer this matter to the Department of Children and Family Services (CFS) for help in locating the minor. **No appearance is necessary on today's calendar.**

GDN OF JASPER PERRINE-FRENCH

CASE NUMBER: 29400

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Jasper Perrine. The Petition was filed by a non-relative (Sarina Hennion). Letters of Temporary Guardianship issued on November 14, 2017. The Temporary Guardianship's powers are set to expire today unless further extended.

There is no proof of service of the Notice of Hearing on file. The mother has filed a consent and waiver of notice to the Petition. The father has filed an objection. The Court has reviewed the CFS report, which recommends granting the Petition. Given the Petition's status, the Court appoints the Public Defender's office to act as Counsel for the minor.

This matter is continued to **Monday, January 22, 2018, at 1:30 p.m. in Department 11** for Confirmation of Counsel and further proceedings on the Petition. The Temporary Guardianship is ordered to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the minor's maternal grandparents, paternal grandparents, and siblings in compliance with Probate Code § 1511. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF JACOB RASSI, JR. AND CHEYENNE RASSI

CASE NUMBER: 29387

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minors, Jacob Rassi, Jr. and Cheyenne Rassi. The Petition was filed by the minors' paternal grandmother (Barbara Rassi). Letters of Temporary Guardianship have been denied pending hearing.

The submitted proof of service on the Notice of Hearing is defective, as it fails to indicate the city and state of mailing. The Court has reviewed and considered the Court Investigator's report filed November 30, 2017, which indicates that neither the Guardian, nor the minors' parents have responded to the investigation outreach. Due to the inability to complete an investigation, the Court Investigator recommends denying the Petition. For the above reasons, absent an appearance on today's calendar, the Court intends to **DENY** the Petition.

GDN OF KALIYAH SAELEE

CASE NUMBER: 28978

Tentative Ruling on Petition to Terminate of Guardianship: This matter is on calendar to decide whether to grant a Petition for Termination of Guardianship filed by the minor's mother (Sandy Saelee). Letters of Guardianship issued to non-relatives Annette and Cory Erickson on June 1, 2017, after a court trial.

The Petition is defective as it fails to fill out Items 6 and 9 identifying parties entitled to notice, and otherwise fails to provide notice to these necessary parties. The Court has also reviewed the CFS report, which

recommends denying the Petition. This Guardianship was only recently created in June 2017, and though the minor's mother does appear to be starting to take positive steps in her life, nothing has been provided to the Court to demonstrate a sufficient change in facts or circumstances that would justify terminating the Guardianship. The Guardianship remains in the child's best interest. For these reasons, absent an appearance on today's calendar, the Court intends to **DENY** the Petition.

GDN OF MARLEY STEPHENS

CASE NUMBER: 27076

Tentative Ruling on Annual Review and Petition to Terminate of Guardianship: This matter is on calendar (1) for further proceedings regarding Annual Review; and (2) to decide whether to grant a Petition for Termination of Guardianship filed by the minor's mother (Lea Stephens). Letters of Guardianship issued to the minor's maternal aunt and uncle, Jerry and Terry Canady, on November 4, 2013.

There is no proof of service of Notice of Hearing on the parties identified in Item 9 of the Petition for Termination. The Court has reviewed the Court Investigator's report filed December 6, 2017, which recommends granting the Petition.

This matter is continued to **Monday, January 22, 2018, at 1:30 p.m. in Department 11** for further proceedings on the Petition and Annual Review. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified in Item 9 of the Petition in compliance with Probate Code § 1511. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF ADIN STEPHENS

CASE NUMBER: 27007

Tentative Ruling on Annual Review and Petition to Terminate of Guardianship: This matter is on calendar (1) for further proceedings regarding Annual Review; and (2) to decide whether to grant a Petition for Termination of Guardianship filed by the minor's mother (Lea Stephens). Letters of Guardianship issued to the minor's maternal aunt and uncle, Jerry and Terry Canady, on January 27, 2012.

There is no proof of service of Notice of Hearing on the parties identified in Item 9 of the Petition for Termination. The Court has reviewed the Court Investigator's report filed December 6, 2017, which recommends granting the Petition.

This matter is continued to **Monday, January 22, 2018, at 1:30 p.m. in Department 11** for further proceedings on the Petition and Annual Review. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified in Item 9 of the Petition in compliance with Probate Code § 1511. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified above, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**